

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

v.

TONY’S LOUNGE, INC., and ITALIA
BAKEHOUSE AND BISTRO, LLC,

Defendants.

Case No. 3:08-cv-677 WDS

ORDER

Currently pending before the Court is a Motion to Intervene filed by Kristie Comer (Doc. 8). For the reasons set forth below, this motion is **GRANTED**.

BACKGROUND

The Equal Employment Opportunity Commission (“EEOC”) brought this action on September 26, 2008, alleging unlawful employment practices against Defendants Tony’s Lounge, Inc., and Italia Bakehouse and Bistro, LLC, pursuant to Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991, based on sexual harassment on account of sex by male employees, a sexually hostile environment, and failure to take corrective action following the unlawful conduct. Kristie Comer now seeks leave to intervene as a plaintiff in the action pursuant to Federal Rule of Civil Procedure 24.

ANALYSIS

Under Rule 24(a)(1) the Court must allow anyone to intervene who “is given an unconditional right to intervene by a federal statute.” The Civil Rights Act of 1964 provides that when the EEOC chooses to pursue litigation in response to a charge of unlawful discrimination, “[t]he person or persons aggrieved shall have the right to intervene in a civil action brought by the

Commissioner.” 42 U.S.C. § 2000e-5(f)(1). Thus, the statute gives parties aggrieved by the unlawful employment action an unconditional right to intervene pursuant to Rule 24(a)(1).

Kristie Comer filed charges with the EEOC alleging violations of Title VII based on unlawful employment practices on account of her sex by Defendants. Those charges are the basis of the current action. As such, Kristie Comer may intervene in the action pursuant to Rule 24(a).

CONCLUSION

Based on the foregoing, Kristie Comer’s Motion to Intervene (Doc. 8) is **GRANTED**.

IT IS SO ORDERED.

DATED: January 13, 2009

s/ Donald G. Wilkerson
DONALD G. WILKERSON
United States Magistrate Judge